

IN RE 55TH JUDICIAL DISTRICT : IN THE COURT OF COMMON PLEAS
DECLARATION OF JUDICIAL : OF POTTER COUNTY, PENNSYLVANIA
EMERGENCY :
: No. 7 AD 2020
:

ADMINISTRATIVE ORDER

AND NOW, this 3rd day of May 2020, per the Pennsylvania Supreme Court’s Order dated April 28, 2020, and prior emergency Orders of this Court, the Potter County Court of Common Pleas, 55th Judicial District, remains under a declaration of emergency through **June 1, 2020**. All Court related departments and staff are required to be aware of and abide by the mandates and directives of the Supreme Court in their April 28, 2020 Order regarding social distancing, safe practices, etc. In addition, the following specific action will be implemented in the 55th Judicial District:

- 1) Beginning May 11, 2020, at 8:30 a.m. the Court of Common Pleas, Magisterial District Courts (MDJ) and the Domestic Relations Office (DRO) (judicial offices) will be open to all persons having business with the Court. The following restrictions shall apply to all entering these judicial offices:
 - a. No person will be admitted into any judicial office without a mask covering their face and mouth. Hand sanitizer will be available for use.
 - b. No person will be admitted to any judicial office who has been diagnosed with COVID-19 in the last month; is experiencing symptoms, or who has in the last 14 days been in contact with anyone diagnosed with COVID-19.
 - c. Only persons who have business with the judicial office should enter. Unless authorized by the department head or judicial officer, no cells phone shall be brought into the judicial office.

- d. Those entering the Court/judicial offices will come into the security area/lobby one at a time and will be instructed to wait for the person in front of them to exit the security area/lobby before entering the area.
 - e. Unless with family who you have been in close proximity, all persons are required to remain at least 6 feet away from all other persons in the building. This requirement applies to the courtroom and no person shall sit in a location at within 6 feet from any other person unless designated by the judicial officer.
 - f. The refusal to follow the directives will result in being asked to leave the premises and the matter will be reported to the Judge/judicial officer.
 - g. The Potter County Sheriff's Department/judicial officer is authorized to enforce compliance with the safety provisions set forth herein.
- 2) The Prothonotary's Office/DRO will be open for filings, review of files, research and the like; however, access will not be granted into the interior of the offices unless authorized by the Prothonotary/DRO Director. In exigent circumstances, judicial filings with the Prothonotary/DRO will continue to be authorized by email and facsimile with original and payment of filing fees to follow.
- 3) Notwithstanding the opening of the Court, the judicial officers are authorized and encouraged to continue to conduct hearing and proceedings via electronic communication with each participant in the proceedings being isolated (not in the courtroom and each at a separate location). The courtrooms will be closed except to those specifically authorized, in advance, by the Court/judicial officers to enter. Except with leave of Court/judicial officers, the participants shall not record the electronic proceedings. If requested, access to public proceedings shall be provided to the media via video conference participation. In lieu of visual electronic communication, phone conferencing is authorized when appropriate.

- 4) Consistent with Pa.R.Crim.P. 119(B), criminal defendants may consent to the conduct of any proceeding in their respective cases via electronic communication. However, criminal defendants are hereby required to participate in all proceedings in their respective cases via with the exception of those set forth in Pa.R.Crim.P. 119(A); primarily (but not limited to) preliminary hearings, trials, sentencing hearings, and revocation hearings regarding parole, probation, and intermediate punishment for which they will be given the opportunity to waive their personal appearance. The Court strongly encourages criminal defendants to consent to the conduct of all possible proceedings via electronic communication, and the Court will endeavor to ensure that all such proceedings are conducted with appropriate solemnity and protection of procedural rights (including, without limitation, confrontation clause rights under the Sixth Amendment to the U.S. Constitution), as well as that each defendant's reasonable concerns regarding the use of electronic communication are appropriately addressed.
- 5) Proceedings before the MDJs shall generally be conducted through electronic communication where the participants can view each other, at which time an appropriate colloquy will be provided to all defendants as to their right to personally appear, obligations, bail conditions and other matters to be addressed or waived. After appropriate colloquy and with the defendant's consent, the MDJ will be authorized to execute a Waiver on behalf of the defendants. Documentation will then be mailed to the defendant and his counsel. The defendant shall be given access to his attorney during the proceedings and will have the opportunity to privately confer with them. Constitutional protection will be afforded to all defendants. Should the defendant object to waiving his right to personally appear, the matter will be rescheduled. Waivers will become part of

the official Court file. Notice of hearings by electronic communication are to be provided to all parties with instructions as to implementation of the communication. The notice shall also include a warning that the willful failure to participate will be deemed a failure to appear which may result in a warrant for the defendant's arrest.

- 6) Personal appearance by participants or counsel shall be limited to the greatest extent possible. Notwithstanding the same, in the interest of justice, the Court/judicial officers may require a face to face hearing due to exigent or emergency circumstances. The types of matters where this may occur include: emergency custody hearings, protection from abuse proceedings, requests for preliminary injunctions, bail revocation or modification proceedings, hearings on bench warrants/capias hearings where defendants refuse to execute waivers, emergency guardianships, mental health commitments, dependency/delinquency proceedings and such other matters as the Court/judicial officers deem appropriate.
- 7) All exhibits to be considered by the Court in a proceeding using electronic communication must be transmitted via e-mail to the Court Administrator (jsaulter@pottercountypa.net), with copy to opposing counsel (or the opposing party, if a *pro se* litigant) no later than noon on the business day immediately preceding the date of the proceeding. Acceptable formats are .pdf, .jpg, .png, and .mp4, with all Microsoft Office documents (Word, Excel, PowerPoint, Outlook, etc.) to be converted to .pdf unless specific formatting or metadata is a relevant part of the exhibit. No other file types or transmittal methods will be accepted without prior approval. File names should include the short-form docket number and a brief, objective description of the item (e.g., "xxx-2020 Police Report"). If all parties are represented by counsel, the email may be sent

directly to the MDJ or DRO hearing the matter with a copy to opposing counsel.

Facsimile will be accepted in lieu of email, but again copies must be sent to opposing party.

- 8) All employees under the purview of the Court shall implement the safety precautions set forth herein and as contained in the Court's prior Orders with regards to contact with co-employees and with the general public.
- 9) Criminal Rule 600 is suspended during the term of this Order. All jury trials are continued until after June 1, 2020.
- 10) This Order shall take effect on May 1, 2020, upon the expiration of the Court's previous Order restricting access which expired April 30, 2020.
- 11) This Order shall remain in effect until June 1, 2020; however, the provisions regarding safety precautions set forth above shall continue until lifted by the Court. The Court reserves the right to extend the provisions regarding electronic communications for the protection of health and safety should the circumstances warrant.
- 12) All prior Administrative Orders shall be read in conjunction with the subject Order and enforceable collectively; however, if there is any inconsistency this Order shall control.
- 13) To constitute sufficient publication, this Order shall be:
 - a. Posted on the entry doors of the Potter County Courthouse, all MDJ Offices, and Potter County Domestic Relations' Office;
 - b. Posted on the Potter County Court of Common Pleas website; and,
 - c. Transmitted via e-mail to the Potter County Bar Association members, and attorneys regularly practicing before the Court.

BY THE COURT:

/s/Stephen P. B Minor

STEPHEN P. B. MINOR

PRESIDENT JUDGE 55TH JUDICIAL DISTRICT

Cc: Judge John Leete

Court Administrator

Commissioners

Prothonotary

District Attorney

Public Defender

Domestic Relations

Probation

Sheriff

Deputy Warden

Register and Recorder

Judge McCleft

Judge Easton

Judge Kalacinski

Potter County Bar Association Members

Tom Walrath, Esq.

Tom Shaffer, Esq.

Tom Patterson

Colleen Wilber

James Kockler

Ann Marie Rathbun

Danielle Gietler

Sarah Lieberman